IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1152 OF 2007.

Shrinivas Laxman Dombe. ... Petitioner.

Versus.

Prabhakar Sadashiv Chandane & others.... Respondents.

Shri Umesh Mankapure for the Petitioner.

Shri A.M.Kulkarni for the Respondents Nos.1 to 3.

CORAM : ABHAY S.OKA, J.

DATED : 21st February, 2007.

P.C.:

1. Heard Shri Mankapure appearing for the Petitioner. He submitted that there were valid and cogent reasons given by the Petitioner in the Application made by him under section 24 of the Code of Civil Procedure, 1908. He invited my attention to the Roznama of the suit as well as copies of the daily boards of the trial Court. He submitted that on number of occasions dates fixed in the suit were unilaterally changed by allowing the Respondents to take the suit on Board. He submitted that considering the manner in which the dates were changed, there is a reasonable apprehension in the mind of the Petitioner that he may not get justice from the concerned leaned Judge.

2. I have considered the submissions. A perusal of the roznama and copies of the daily board do not fully support the factual statements made in the transfer application of the Petitioner. Even assuming that

whatever is stated in the transfer application is true, it is very difficult to accept the contention of the Petitioner that he may not get justice from the concerned Court. The grievance made by the Petitioner has been carefully gone into by the learned District Judge. It is very difficult to find fault with the rejection of the prayer for transfer by the learned District Judge. It must, however, be noted that the comment made by the learned District Judge in paragraph 5 of the impugned order was unwarranted.

3. Subject to what is stated above, no case is made out for interference. Petition is rejected.

Judge.